

**EXECUTIVE AGENCY
FISCAL NOTE**

AGENCY'S ESTIMATES

Date Prepared: March 27, 2015

Agency Submitting: Public Utilities Commission of Nevada

Items of Revenue or Expense, or Both	Fiscal Year 2014-15	Fiscal Year 2015-16	Fiscal Year 2016-17	Effect on Future Biennia
CAT 01 - Personnel (Expense)		\$1,159,925	\$1,451,133	\$2,902,267
CAT 04 - Operating (Expense)		\$43,555		
CAT 05 - Equipment (Expense)		\$39,600		
CAT 26 - Information Services (Expense)		\$13,838		
Application Fees (Revenue)		\$1,256,918		
Regulatory Assessment (Revenue)			\$1,451,133	\$2,902,267
Total	0	0	0	0

Explanation

(Use Additional Sheets of Attachments, if required)

Section 11 directs the PUCN to charge and collect a fee from each applicant for an initial permit to operate a transportation network company in this state. In addition, this section requires the PUCN to levy and collect an annual assessment from all transportation network companies based on their gross operating revenues derived from their intrastate operations. The total annual assessment will total the amount necessary for the PUCN to regulate the transportation network companies. The optimum reserve range would be between three months of personnel expenses and three months (or 25%) of annual expenditures. A new budget account number will need to be established for the permitting and regulation of transportation network companies.

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Name Donna Skau

Title Commission Secretary

DEPARTMENT OF ADMINISTRATION'S COMMENTS

Date Friday, March 27, 2015

The agency's response appears reasonable.

Name James R. Wells, CPA

Title Interim Director

Fiscal Effect of BDR 58-633

Public Utilities Commission - 224-3920 Estimated Costs of \$2,708,052 for the Biennium March 26, 2015

SUMMARY - Provides for the permitting and regulation of transportation network companies.

The proposed statute will require the PUCN to engage in the following activities:

Sections 9, 10, 11, 14, 15, 22, 23, 26, 27 and 30 all include components that would require the Public Utilities Commission (PUCN) to review and/or revise regulations, and hold workshops/hearings that are necessary to carry out the provisions of this act.

Section 9 requires the PUCN to accept applications for the issuance of a permit to operate a transportation network company in this state.

Section 10 requires the PUCN to review, approve and issue an initial permit to operate a transportation network company in this state.

Section 11 requires the PUCN to establish by regulation an annual assessment for all transportation network companies in this state based on gross operating revenue derived from the interstate operations of such network companies.

Section 14 requires the PUCN to adopt the minimum qualifications and conditions set forth in this section, to include: the minimum qualifications for drivers; the requirement for investigations and background checks of drivers; and the conditions for which a transportation network company must terminate an agreement with a driver.

Section 15 requires the PUCN to adopt the provisions of this act allowing the transportation network company to charge a fare for transportation services by the driver and also the requirements on the company concerning those fares.

Section 22 requires the PUCN to adopt the reporting requirements set forth in this section and to adopt regulations setting forth the form and contents of the information required to be kept and provided by the transportation network company pursuant to subsection 1.

Section 23 requires the PUCN to adopt the certain requirements relating to the provision of transportation services by a driver as established by this section.

Section 26 directs the PUCN to adopt regulations to establish procedures for investigating a complaint, holding a hearing and imposing disciplinary action, including the imposition of fines.

Section 27 allows for the PUCN to impose certain penalties for any violation of the provisions of this bill by a transportation network company or driver.

Section 30 directs the PUCN to adopt regulations necessary to carry out the provisions of this chapter.

The PUCN estimates at a minimum ten (10) days of four (4) workshops and four (4) days of one (1) hearing would be needed to develop and adopt regulations that are necessary to carry out the provisions of this act.

The following is an estimate of the rulemaking costs based on previous rulemaking proceedings:

Noticing Publication Costs	\$6,570
Workshops (1x3) + (1x3) + (1x2) + (1x2) = 10 days)	
Court Reporter (\$280/day)	\$2,800
Transcripts (\$7.80/page)	\$19,500
Hearings (1x 4) days each = 4 days)	
Court Reporter (\$280/day)	\$1,120
Transcripts (\$7.80/page)	\$7,800
Operating Expenses (postage, copying, mailing)	\$4,165
Operating Expense (LCB Legal Review)	\$1,600
Consultant	\$0
Small Business Impact investigation -if required (NRS 233B.0608)*	\$0
Total	<hr/> \$43,555

Sections 9, 10, 14, 15, 16, 17, 18, 22, 27, and 32 would require the PUCN to employ: one (1) additional full-time unclassified Chief Attorney (U3903) position; one (1) additional full-time unclassified Division Manager (UXXXX) position; one (1) additional full-time unclassified Sr. Attorney (U3811) position for General Counsel; one (1) additional full-time unclassified Sr. Attorney (U3811) position for Staff Counsel; one (1) additional full-time unclassified Regulatory Economist (U4515) position; two (2) additional full-time unclassified Financial Analysts (U4406) positions; two (2) additional full-time unclassified Sr. Analysts (U4226) positions; one (1) additional full-time classified Compliance Investigator 2 (11.365) position; and one (1) additional full-time classified Administrative Assistant 3 (2.211) position. Personnel and associated costs estimated at \$2,120,756 for the biennium. More specifically:

Sections 9 and 10 direct the PUCN to, within 120 days, accept, review and approve permits to operate a transportation network company in this state.

Section 14 establishes: the minimum qualifications for drivers; the requirement for investigations and background checks of drivers; and the conditions for which a transportation network company must terminate an agreement with a driver.

Section 15 allows the transportation network company to charge a fare for transportation services by the driver and also the requirements on the company concerning those fares with certain disclosures.

Section 16 prohibits a transportation network company from entering into an agreement with any driver who operates a motor vehicle that is not in compliance with all federal, state and local laws, and requires annual inspections of each motor vehicle operated by a driver.

Section 17 establishes certain requirements concerning the provision of insurance for the payment of tort liabilities arising from the operation of a motor vehicle by a driver who provides transportation services.

Sections 21 and 22 impose on transportation network companies certain recordkeeping and reporting requirements.

These sections will require an estimated one (1) FTE Division Manager for Regulatory Operations to manage the new caseload these sections will create and also to provide leadership, coordination and oversight of the new division; to include: planning, organizing, and overseeing the work of professional staff; and training, supervising and evaluating the performance of the employees' work activities accordingly.

These sections will also require an estimated two (2) FTE Financial Analysts; one (1) Regulatory Economist; and two (2) FTE Sr. Analysts for the Regulatory Operations division to investigate each applicant for compliance with the related statutes and regulations and to perform the necessary audits and investigations required by these sections for compliance and licensing review. These new requirements would take a significant amount of staff time and the PUCN currently does not have enough positions to take on the additional workload.

Finally, these sections will require an estimated one (1) FTE Administrative Assistant 3 to provide administrative and legal support to the new division.

Section 18 prohibits discrimination by a transportation network company or driver.

Sections 26 and 27 directs the PUCN to adopt regulations to establish procedures for investigating a complaint, holding a hearing and imposing disciplinary action, including the imposition of fines.

These sections will require an estimated one (1) FTE Chief Attorney to serve as a PUCN Hearing Officer to preside over Orders to Show Cause and other violations of this act. Currently, the PUCN only employs one Hearing Officer which is not enough to take on the new cases that would result from this act.

These sections, in addition to Section 9, will require an estimated one (1) FTE Sr. Attorney for the Staff Counsel of the Regulatory Operations division to ensure legal compliance and to participate in disciplinary investigations, proceedings and actions required by this act. These new requirements would take a significant amount of staff time and the PUCN currently does not have enough Sr. Attorneys to take on the additional workload.

Sections 23 through 27 impose regulations that pertain to the quality of service the transportation network companies are to adhere to and the responsibility of the PUCN to accept, investigate and resolve consumer complaints.

These sections will require an estimated one (1) FTE Compliance Investigator 2 for the Regulatory Operations division to handle the expected increased volume of consumer complaints. These new requirements would take a significant amount of staff time and the PUCN currently does not have enough Compliance Investigators to take on the additional workload.

Section 32 allows for the PUCN to employ legal counsel to represent the PUCN in all actions, proceedings and hearings; prosecute in the name of the PUCN all civil actions within the agency's jurisdiction; and generally aid the PUCN in the performance of its duties and the enforcement of applicable statutes and regulations.

In addition to addressing the issues that may arise from Sections 9, 10, 22 and 27 and possible resulting appeals, the PUCN will require an estimated one (1) FTE Sr. Attorney for the General Counsel division to handle the expected increased volume of proceedings, hearings, civil actions and appeals. These new requirements would take a significant amount of staff time and the PUCN currently does not have enough Sr. Attorneys to take on the additional workload.

In addition to the aforementioned new positions that this added regulatory requirement would necessitate, there would be additional workload added on to current positions as well. The PUCN requests that unclassified salary adjustments be considered for these positions. The positions include: Chairman (U4702); Commissioner (EA) (U4501); Executive Director (U4407); Director of Regulatory Operations (U4804); Chief Attorney (EA) (U3903); Sr. Attorney (EA) (U3811); Administrative Attorney (EA) (U3810); Pub Ed/Stat Analys Ofcr (EA) (U3902). Adjustments in salaries (not including fringe benefits) are estimated at \$278,303 for the biennium.

Summary of Fiscal Impact for the Biennium:

Rulemaking Costs	\$43,555
Personnel Costs	\$2,107,891
Unclassified Salary Adjustments	\$556,606
Total	<hr/> \$2,708,052